



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

June 13, 2016

BY CM/ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: ***United States v. David W. Kent***, 16 Cr. 385 (DLC)

Dear Judge Cote:

Pursuant to Fed. R. Crim. P. 16(d)(1), the Government respectfully requests that the Court so order the enclosed Protective Order in the above-referenced matter. Courts have routinely relied on Rule 16(d)(1) to limit discovery in situations where the disclosure of certain discovery beyond the defendant and his counsel could have harmful consequences. *See United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008) (protective order for classified information); *United States v. Smith*, 985 F. Supp. 2d 506, 530-35 (S.D.N.Y. 2013) (protective order for information that might impede ongoing investigations); *United States v. Figueras*, 2009 WL 1364640, at *1-2 (W.D.N.Y. May 19, 2009) (protective order for identity of confidential informants); *United States v. Luchko*, 2007 WL 1651139, at *7 (E.D. Pa. June 6, 2007) (protective order entered because of, among other reasons, the personal privacy interests of third parties). In this case, the Government anticipates that the discovery materials will include personal identifying information of victims (including email addresses). For this reason, the Government believes that the enclosed narrowly tailored Protective Order is appropriate. The enclosed Protective Order has already been executed by counsel for the defendant.

Very truly yours,

PREET BHARARA
United States Attorney

by: /s/ Andrew K. Chan
Andrew K. Chan
Assistant United States Attorney
(212) 637-1072

cc: Dan Cogdell, Esq.